

Appl. No. : **10/616,160**
Filed : **July 9, 2003**

REMARKS

Claim 1 has been amended. Claims 1-4 are now pending in this application. Support for the amendments is found in the existing claims and the specification as discussed below. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended to provide antecedent basis, in particular, antecedent basis for “the substrate.” Additionally, the phrase “at the pouring port” has been deleted from the supporting step. It is now clear that the micropipette is supported to provide contact between the droplet and the substrate.

In view of Applicants’ amendments, withdrawal of the above ground of rejection is respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1-4 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Hirota, et al. (U.S. 6,365,378).

This ground of rejection is believed to be overcome by Applicants’ amendments.

The claims have been amended to recite an important advantage of Applicant’s invention which is the application of a large spot with a single application. Claim 1 has been amended to recite that the size of the sample spot on the substrate is at least 1 mm. Support for this amendment is found on page 4, line 7 of the present specification.

Hirota, et al. do not teach application of a spot of this size. While Hirota, et al. do not teach a specific spot size, as set forth in the Office Action, Hirota, et al. disclose a droplet size of 30-500 µm (see paragraph 7 of the Office Action, referring to col. 6, lines 56-67 of Hirota, et al.). A droplet size of even 500 µm would not produce a spot size of 1 mm or more.

Furthermore, we believe that the Examiner’s assertion that 30 to 500 µm is equivalent to 0.014 to 65 µl is in error. Applicants submit that a spot size of 30-500 µm corresponds to 0.14 to 65 nl.

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In any case, the present claims are now limited to a spot size of at least 1 mm. The disclosure of Hirota, et al. is silent as to spot size but clearly teaches a droplet size of 30-500 µm, which could not be used to make a droplet size of at least 1 mm. In view of Applicants' amendment, Applicant submits that the present claims are no longer anticipated by Hirota, et al.

In view of Applicants' amendments and arguments, reconsideration and withdrawal of this ground of rejection is respectfully requested.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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